MULTIMEDIA UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

# FINAL EXAMINATION

## PIL0014 – INTRODUCTION TO LAW

(Foundation in Management)

27 February 2017
2.30 p.m. – 4.30 p.m.
(2 Hours)

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**INSTRUCTIONS TO STUDENT:**

1. This Question paper consists of five (5) printed pages including the cover page with 32 questions only.

2. Answer **ALL** questions in **Sections A, B and C.**

3. Please write all your answers in the Answer Sheets provided.

## SECTION A – TRUE/FALSE QUESTIONS (30 MARKS)

1. The Yang Di-Pertuan Agong is Head of Islam in his home state and in Malacca, Penang, Sabah, Sarawak and the Federal Territories of Kuala Lumpur, Labuan and Putrajaya and also the Supreme Commander of the Armed Forces.

2. Sections 1 and 3 of the Civil Law Act 1956 (Revised 1972) provides the conditions for the application of English common law, commercial law and equity in Malaysia.

3. Kitson refuses to pay his RM50000 debt to Orlando. Therefore, Orlando instructs his lawyer to file an application to declare Kitson as a bankrupt. The High Court has the jurisdiction to hear bankruptcy cases.

4. Adat Perpatih is characterised as aristocratic and based on matrilineal system whereas Adat Temenggung is based on democratic and based on patrilineal system.

5. Constitutional law regulates the duties and powers of administrative authorities whilst Administrative law defines the structure of government and the rights of citizens.

6. Article 3 of the Federal Constitution declares that Malaysia is an Islamic state.

7. Islamic law is a state matter except in the Federal Territories of Kuala Lumpur, Labuan and Putrajaya where it is a Federal matter.

8. The Special Court has exclusive jurisdiction over all proceedings by and against the Yang Di-Pertuan Agong or the Ruler of a state in his personal and official capacity.

9. There is no uniformity in the administration of the Syariah Courts or Islamic law throughout Malaysia since the Syariah Courts and Islamic law are state matters.

10. Subsidiary legislation deals with the details about which legislature has neither the time nor the technical knowledge to enact laws.

11. Syed Aqil has been fined for driving 120km/h in an 80km/h zone. He has breached a private law.

12. Vertical application of Doctrine of Binding Precedent refers to decision of Superior Court bind the courts below it.

13. The Federal Court is the highest court in Malaysia and it hears cases from the Court of Appeal.

**Continued.....**

14. Malaysian Parliament adopts the concept of Parliament supremacy which is similar to the British Parliament.

15. Until 1 January 1985, the superior courts of Malaysia consisted of the Privy Council, the Federal Court and the High Court (Malaya) and the High Court (Borneo).

## SECTION B: MULTIPLE CHOICE QUESTIONS (30 MARKS)

16. State legislation refers to laws enacted by _____ under powers conferred on them by _____
    A. Parliament; the Federal Constitutions
    B. State Assemblies; the State Constitution
    C. Prime Minister; Delegated legislation
    D. State Assemblies: the Sultan and the Yang Di Pertua Negeri

17. The legal concept of stare decisis is a principle whereby courts should attempt to:
    A. Decide each outcome on an individual, case-by-case basis.
    B. Overrule previous decisions on a frequent basis.
    C. Establish a sound factual basis and rationale for making its decision.
    D. Abide by past decisions when ruling upon a case.

18. If someone claims that their free speech rights have been violated, what type of law are they likely be challenging?
    A. Administrative
    B. Executive
    C. Constitutional
    D. Equity

19. Applying the guidance of statutory construction, judges will _____
    A. Ignore past precedent to provide a contemporary remedy.
    B. Create and file bills with legislators.
    C. Consider the legislative intent of a statute to determine its meaning.
    D. Overturn existing legislation through the awarding of damages.

20. This authority has the sole authority to raise federal taxes as stipulated by the law. The above statement refer to the function of _____
    A. Judiciary
    B. Executive
    C. The Cabinet
    D. Legislative

**Continued.....**

21. Statutes are also known as _____
    A. Common law
    B. Legislation or Acts of Parliament
    C. Regulations or Directives
    D. Regulations or Instruments

22. What is the Latin maxim for Doctrine of Precedent?
    A. Stare Decisis
    B. Ratio Decidendi
    C. Obiter Dictum
    D. Per Incurium

23. What does the Latin maxim "Obiter Dictum" mean?
    A. Thing said by the way
    B. Through carelessness
    C. Stand by previous decisions
    D. Core of judgement

24. Which one is **NOT** an unwritten source of Malaysia law?
    A. English law
    B. Legislation
    C. Judicial Decision
    D. Customary law

25. Which one of these is **NOT** the role of Yang Di-Pertuan Agong?
    A. To call for the Council of Ruler's meeting
    B. To elect the Prime Minister
    C. To determine the validity of law
    D. To call and end parliamentary proceedings

26. Public law is divided into namely_____
    A. Constitutional and Administrative Laws
    B. Constitutional, Administrative and Civil Laws
    C. Constitutional and Civil Laws
    D. Constitutional, Administrative and Criminal Laws

27. The aim of Federal Constitution is to avoid irregularity or abuse of powers by _____
    A. The Executive and the Judiciary
    B. The Executive and the Legislative
    C. The Judiciary and the Legislative
    D. The Executive, the Legislative and the Judiciary

**Continued.....**

28. Dino robbed a bank. The bank has commenced legal actions against Dino to recover the stolen money. What type of law is used by the bank?
    A. Contract law
    B. Criminal law
    C. Property law
    D. Tort law

29. Identify the stage at which a Bill becomes an Act.
    A. At the First Reading in Parliament
    B. When implemented by a statutory instrument
    C. Upon receipt of Royal Assent
    D. Upon approved by the Dewan Negara (Senate)

30. Which of the following is NOT the function of the Public Service Commission of Malaysia?
    A. Exercise of disciplinary control
    B. Conferment of Federal and State Awards
    C. Conferment into pension status
    D. Transfer of permanent personnel

## SECTION C: STRUCTURED QUESTIONS (40 MARKS)

31. Malaysian judiciary refers to the Malaysian court system. Federal Court, the Court of Appeal and the High Court of Malaya and High Court of Borneo are the superior courts. Briefly, write a short description on the superior courts.

(20 marks)

32. Describe the Doctrine of Separation of Powers in the context of the Malaysian government.

(20 marks)

**Total: 100 marks**

**End of Page**